



April 6, 2007

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## ENGROSSED SENATE BILL No. 293

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DIGEST OF SB 293 (Updated April 4, 2007 6:33 pm - DI 75)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-10; IC 3-11; IC 3-11.7; IC 3-12; IC 9-24; IC 16-37; noncode.

**Synopsis:** Voter registration. Makes the following changes: (1) Defines "active" and "inactive" voters for purposes of voter list maintenance programs. (2) Restates the registration deadline applicable to certain military and overseas voters. (3) Specifies the contents of statewide voter registration system reports. (4) Provides that if a voter list maintenance mailing is returned by the U.S. Postal Service or is responded to by a voter during the final 90 days before an election, the response or return shall be processed when registration reopens following the election. (5) Requires that county voter registration records be updated to reflect voter history and other information set forth on precinct polling place lists not later than 60 days after election day or after completion of a recount or contest. (6) Establishes procedures for processing paper copies of voter registration applications requesting the cancellation of a voter's registration record in another Indiana county. (7) Specifies the periods during which certain first time voters who register by mail within an Indiana county (Continued next page)

**Effective:** Upon passage; July 1, 2007.

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### Landske, Lawson C

(HOUSE SPONSORS — PIERCE, RICHARDSON)

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January 11, 2007, read first time and referred to Committee on Local Government and Elections.

February 8, 2007, reported favorably — Do Pass.

February 12, 2007, read second time, ordered engrossed. Engrossed.

February 20, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 27, 2007, read first time and referred to Committee on Elections and Apportionment.

April 5, 2007, amended, reported — Do Pass.

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ES 293—LS 6452/DI 75+



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are to provide additional documentation as required by federal law. (After the establishment of the statewide voter registration system in 2006, this requirement applies only to certain first time voters who register by mail within Indiana.) (8) Requires the precinct inspector to request that a voter who is casting a regular ballot at the polls using certain fail-safe procedures complete a new voter registration application. (9) Provides that an individual who does not have an Indiana driver's license and will be at least 18 years of age by election day may not be charged a fee by the department of health for a birth record search or for the issuance of a birth certification if the record is found, or charged a birth problems registry fee. (10) Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) (11) Requires that a voting system purchased, leased, or lease purchased after April 30, 2007, must permit a voter to examine the paper record of the voter's votes to verify the voter's votes. (12) Requires an audit of certain elections held during a general election to hand count certain statistical samples of votes cast during the election. (13) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (14) Requires the census data advisory committee to study the possibility of changing the current voting systems to conducting all elections by mail-in ballots and to assess the results of permitting voters to cast absentee ballots without requiring voters to state a reason for casting absentee ballots. (15) Repeals obsolete statute concerning military and overseas voters. (16) Makes technical changes.

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April 6, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 293

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter"  
3 refers to **the following**:

4 **(1) For purposes of voter registration record and voter list**  
5 **maintenance purposes under IC 3-7**, a voter who satisfies either  
6 of the following:

7 ~~(1)~~ **(A)** The voter has registered or voted in any election during  
8 the preceding four (4) years at the address indicated on the  
9 voter's registration record.

10 ~~(2)~~ **(B)** The voter has not voted in any election during the  
11 preceding four (4) years at the address indicated on the voter's  
12 registration record and has responded in writing to an address  
13 confirmation notice sent under IC 3-7 not later than thirty (30)  
14 days after the notice was sent.

15 **(2) For purposes of establishing precinct boundaries in**

ES 293—LS 6452/DI 75+



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1 compliance with IC 3-11-1.5, a voter who has registered or voted  
 2 in any election during the preceding four (4) years at the address  
 3 indicated on the voter's registration record.

4 SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 26.4. "Inactive voter," for voter  
 7 registration purposes and voter list maintenance purposes under  
 8 IC 3-7, refers to a voter who:

- 9 (1) is not an active voter (as defined in IC 3-5-2-1.7(1)); and  
 10 (2) has been designated as an inactive voter in compliance with  
 11 the requirements of a voter list maintenance program  
 12 conducted under IC 3-7.

13 SECTION 3. IC 3-6-6-39, AS AMENDED BY P.L.230-2005,  
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 39. (a) The county election board by  
 16 unanimous vote of the entire membership of the board may permit an  
 17 individual who is not a voter to serve as any precinct election officer  
 18 (other than inspector), or to assist a precinct election officer, if the  
 19 individual satisfies all the following:

- 20 (1) The individual is at least sixteen (16) years of age but not ~~more~~  
 21 ~~than seventeen (17)~~ **eighteen (18)** years of age **or older**.  
 22 (2) The individual is a citizen of the United States.  
 23 (3) The individual is a resident of the county.  
 24 (4) The individual has a cumulative grade point average equivalent  
 25 to not less than 3.0 on a 4.0 scale.  
 26 (5) The individual has the written approval of the principal of the  
 27 school the individual attends at the time of the appointment or, if  
 28 the student is educated in the home, the approval of the individual  
 29 responsible for the education of the student.  
 30 (6) The individual has the approval of the individual's parent or  
 31 legal guardian.  
 32 (7) The individual has satisfactorily completed any training  
 33 required by the county election board.  
 34 (8) The individual otherwise is eligible to serve as a precinct  
 35 election officer under this chapter.

36 (b) An individual appointed to a precinct election office or assistant  
 37 under this section:

- 38 (1) must serve in a nonpartisan manner in accordance with the  
 39 standards developed by the Help America Vote Foundation under  
 40 36 U.S.C. 152602; and  
 41 (2) while serving as a precinct election officer or assistant:  
 42 (A) is not required to obtain an employment certificate under

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1 IC 20-33-3; and

2 (B) is not subject to the limitations on time and duration of  
3 employment under IC 20-33-3.

4 SECTION 4. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION  
5 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
6 PASSAGE]: Sec. 4. (a) The election division may provide parts and  
7 reports from the voter registration information from the computerized  
8 list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

9 (b) **Except as otherwise provided in this section,** the parts and  
10 reports provided under this section may not include information  
11 described under section 8 of this chapter.

12 (c) **The parts and reports may contain the information described**  
13 **in section 8 of this chapter if:**

14 (1) **the part or report is to be provided to an entity that:**

15 (A) **is described in section 6 of this chapter; and**

16 (B) **has previously submitted an application to the election**  
17 **division and paid any required fee to obtain the complete**  
18 **compilation; or**

19 (2) **the part or report is a purely statistical compilation that:**

20 (A) **includes the information described in section 8 of this**  
21 **chapter; and**

22 (B) **does not include any information:**

23 (i) **concerning an individual voter; or**

24 (ii) **that would permit the identification of an individual**  
25 **voter as a result of providing the compilation.**

26 (d) **The parts and reports provided under this section may not**  
27 **include the complete Social Security number of any individual.**

28 SECTION 5. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 42  
30 U.S.C. 1973gg-6(i), a county voter registration office shall retain  
31 records concerning the implementation of programs and activities  
32 conducted for the purpose of ensuring the accuracy and currency of the  
33 voter registration list. These records include the following:

34 (1) Lists of names and addresses of voters who were sent notices  
35 under the voter list maintenance program.

36 (2) Information concerning whether a voter has responded to a  
37 notice described by subdivision (1) as of the date the inspection of  
38 the record is made.

39 (b) The county voter registration office shall retain the records  
40 described by this section for at least two (2) years. Except for records  
41 concerning declinations to register to vote or that indicate the identity  
42 of a voter registration agency where a person registered, the county

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voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person; for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 6. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article, (a) Each circuit court clerk or board of county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:~~

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 7. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article;~~

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the circuit court clerk or board of (a) **Each county voter registration office** shall send a **notice list of disfranchised voters whose registrations have been canceled** to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 8. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ (a) **Each county voter registration office** shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.~~

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 9. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application

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under this chapter if ~~a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is was received~~ by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

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1 (1) is not required to submit additional documentation under this  
2 section; or

3 (2) has provided the documentation required under this section;  
4 the county voter registration office shall process the application in  
5 accordance with section 5 of this chapter.

6 (f) If the county voter registration office determines that the applicant  
7 is required to submit additional documentation under this section and  
8 42 U.S.C. 15483, the office shall process the application under section  
9 5 of this chapter and, if the applicant is otherwise eligible to vote, add  
10 the information concerning this documentation to the voter's  
11 computerized registration entry under IC 3-7-27-20.2.

12 (g) The county voter registration office shall remove the notation  
13 described in subsection (f) after the voter votes in an election for a  
14 federal office.

15 SECTION 10. IC 3-7-34-7, AS AMENDED BY P.L.81-2005,  
16 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: Sec. 7. (a) The county voter registration office  
18 shall certify to the NVRA official on an expedited basis a list of the  
19 registration forms that have been processed under section 6 of this  
20 chapter but do not contain information required to be supplied by the  
21 bureau of motor vehicles commission or a voter registration agency.

22 (b) The NVRA official shall notify the commission or agency that the  
23 commission or agency is required to supply the omitted information on  
24 an expedited basis to the county voter registration office. ~~following~~  
25 ~~receipt of notice from the NVRA official.~~

26 SECTION 11. IC 3-7-36-10 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) The circuit~~  
28 ~~court clerk or board of county voter~~ registration office shall process an  
29 absentee registration affidavit or form received from a voter described  
30 in section 1 of this chapter during the registration period or during the  
31 period beginning on the twenty-ninth day before the election and  
32 ending on the date that the clerk or board prepares the certified list  
33 under IC 3-7-29-1.

34 **(b) A properly completed voter registration application described**  
35 **in this section is subject to the same requirements that are**  
36 **applicable to a properly completed voter registration application**  
37 **from a voter described in section 1 of this chapter during the**  
38 **period ending on the twenty-ninth day before the election.**

39 SECTION 12. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006,  
40 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program  
42 conducted under this chapter must:

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(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices.

(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

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(2) outside the county, the county voter registration office shall cancel the voter's registration.

**(f) If a voter returns the card described in subsection (d)(2) after the date specified in the notice, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.**

~~(f)~~ **(g)** If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(g)** remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ **(i)** After the date described in subsection ~~(g)~~ **(2)**, ~~(h)~~ **(2)**, the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 13. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county voter registration office~~ not later than the last day of the month following the month in which the change was made.

SECTION 14. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as

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practicable, amend

- (1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and  
 (2) the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 15. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.**

SECTION 16. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the ~~circuit court clerk or board of county voter~~ registration office provides a signed certificate of error in the office where the permanent registration record is kept showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

SECTION 17. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. One (1) copy of the certificate of error shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. The other copy shall be delivered to the county election board and returned to the ~~circuit court clerk~~ **county voter registration office** when the polls are closed.

SECTION 18. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.2. (a) **This subsection does not apply if a recount or contest is being conducted in a county. The county**

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1 voter registration office shall complete the updating of the  
 2 registration record under section 31.1 of this chapter not later than  
 3 sixty (60) days after election day.

4 (b) If a recount or contest is being conducted in a county, the  
 5 county voter registration office shall complete the updating of the  
 6 registration record under section 31.1 of this chapter not later than  
 7 sixty (60) days after the completion of the recount or contest and  
 8 the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17,  
 9 IC 3-12-11-18, or IC 3-12-12-19.

10 SECTION 19. IC 3-10-11-10 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the person  
 12 executes the affidavit under this chapter before the inspector of the  
 13 precinct of the person's former residence on the day of the election, the  
 14 inspector shall:

- 15 (1) provide the voter with a voter registration application, if  
 16 the voter's current address is located within the same county  
 17 as the precinct of the individual's former residence, and  
 18 request that the voter complete and sign the application; and  
 19 (2) return the original affidavit and any completed voter  
 20 registration application to the circuit court clerk or board of  
 21 county voter registration office after the closing of the polls.

22 SECTION 20. IC 3-10-12-4, AS AMENDED BY P.L.230-2005,  
 23 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 UPON PASSAGE]: Sec. 4. (a) The written affirmation described in  
 25 section 3.4 of this chapter may be executed as follows:

- 26 (1) At the county voter registration office for the county of the  
 27 precinct of the person's former residence, not later than 4 p.m. on  
 28 the day before the election.  
 29 (2) Before the inspector of the precinct of the person's former  
 30 residence, if the application and statement are executed on the day  
 31 of the election.  
 32 (3) When the application for an absentee ballot is filed with the  
 33 county election board of the county of the precinct of the person's  
 34 former residence.

35 (b) If the person executes the affidavit under this section at the  
 36 county voter registration office before the day of the election, the office  
 37 shall furnish a copy of the affirmation to the person. The person shall  
 38 present the copy to the inspector of the precinct of the person's former  
 39 residence when the person offers to vote in that precinct under  
 40 IC 3-11-8.

41 (c) If the person executes the affirmation under this section when  
 42 filing an application for an absentee ballot, the county election board

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shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

**(1) provide the voter with a voter registration application, if the voter's current address is located within the same county as the precinct of the person's former residence, and request that the voter complete and sign the application; and**

**(2) return the original affirmation to the county election board.**

The county election board shall forward the affidavit **and any completed voter registration application** to the county voter registration office after the closing of the polls.

SECTION 21. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

**(1) by mail;**

**(2) before an absentee voter board as ~~otherwise~~ provided in this article; a voter voting by absentee ballot must vote**

**(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or**

**(4) at a satellite office established under IC 3-11-10-26.3.**

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 22. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the

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1 application:

2 (1) The full name, residence and mailing address, and daytime and  
3 evening telephone numbers (if any) of the person providing the  
4 assistance.

5 (2) The date this assistance was provided.

6 (3) That the person providing the assistance has complied with  
7 Indiana laws governing the submission of absentee ballot  
8 applications.

9 (4) That the person has no knowledge or reason to believe that the  
10 individual submitting the application:

11 (A) is ineligible to vote or to cast an absentee ballot; or

12 (B) did not properly complete and sign the application.

13 (g) This subsection does not apply to an employee of the United  
14 States Postal Service or a bonded courier company acting in the  
15 individual's capacity as an employee of the United States Postal Service  
16 or a bonded courier company. A person who receives a completed  
17 absentee ballot application from the individual who has applied for the  
18 absentee ballot shall file the application with the appropriate county  
19 election board not later than:

20 (1) noon seven (7) days after the person receives the application;  
21 or

22 (2) the deadline set by Indiana law for filing the application with  
23 the board;

24 whichever occurs first.

25 (h) This subsection does not apply to an employee of the United  
26 States Postal Service or a bonded courier company acting in the  
27 individual's capacity as an employee of the United States Postal Service  
28 or a bonded courier company. A person filing an absentee ballot  
29 application, other than the person's own absentee ballot application,  
30 must sign an affidavit at the time of filing the application. The affidavit  
31 must be in a form prescribed by the commission. The form must  
32 include the following:

33 (1) A statement of the full name, residence and mailing address,  
34 and daytime and evening telephone numbers (if any) of the person  
35 submitting the application.

36 (2) A statement that the person filing the affidavit has complied  
37 with Indiana laws governing the submission of absentee ballot  
38 applications.

39 (3) A statement that the person has no knowledge or reason to  
40 believe that the individual whose application is to be filed:

41 (A) is ineligible to vote or to cast an absentee ballot; or

42 (B) did not properly complete and sign the application.

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(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 23. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of ~~the~~ a voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit

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1 court clerk or the clerk's authorized deputy.

2 (f) As required by 42 U.S.C. 15481, an election board shall establish  
3 a voter education program (specific to a paper ballot or optical scan  
4 ballot card provided as an absentee ballot under this chapter) to notify  
5 a voter of the effect of casting multiple votes for a single office.

6 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is  
7 mailed under this section, the mailing must include:

8 (1) information concerning the effect of casting multiple votes for  
9 an office; and

10 (2) instructions on how to correct the ballot before the ballot is cast  
11 and counted, including the issuance of replacement ballots.

12 SECTION 24. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,  
13 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made  
15 an affirmation or executed an affidavit under IC 3-7-48-7.5,  
16 IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is  
17 not required to execute an additional affidavit under this section.

18 (b) The affidavit of a challenged voter required by section 22.1 of  
19 this chapter must be sworn and affirmed and must contain the  
20 following:

21 (1) A statement that the voter is a citizen of the United States.

22 (2) The voter's date of birth to the best of the voter's information  
23 and belief.

24 (3) A statement that the voter has been a resident of the precinct  
25 for thirty (30) days immediately before this election or is qualified  
26 to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

27 (4) The voter's name and a statement that the voter is generally  
28 known by that name.

29 (5) A statement that the voter has not voted and will not vote in any  
30 other precinct in this election.

31 (6) The voter's occupation.

32 (7) The voter's current residential address, including the street or  
33 number, and if applicable, the voter's residential address thirty (30)  
34 days before the election, and the date the voter moved.

35 (8) A statement that the voter understands that making a false  
36 statement on the affidavit is punishable under the penalties of  
37 perjury.

38 (9) If the individual's name does not appear on the registration list,  
39 a statement that the individual registered to vote and where the  
40 individual believes the individual registered to vote during the  
41 registration period described by

42 (~~A~~) IC 3-7-13-10. or

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(B) IC 3-7-36-11, if the voter registered under that section:

SECTION 25. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open:

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested:

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open:

(4) The voter is a voter with disabilities:

(5) The voter is an elderly voter:

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open:

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open:

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12:

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open:

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6):

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside

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the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 26. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a

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1 replacement ballot if the voter is otherwise unable to change or  
2 correct the ballot; and

3 (3) notified before the ballot is cast regarding the effect of casting  
4 multiple votes for the office and provided an opportunity to correct  
5 the ballot before the ballot is cast and counted.

6 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is  
7 provided under this section, the board must also provide the voter with:

8 (1) information concerning the effect of casting multiple votes for  
9 an office; and

10 (2) instructions on how to correct the ballot before the ballot is cast  
11 and counted, including the issuance of replacement ballots.

12 (i) If:

13 (1) the voter is unable or declines to present the proof of  
14 identification; or

15 (2) a member of the board determines that the proof of  
16 identification provided by the voter does not qualify as proof of  
17 identification under IC 3-5-2-40.5;

18 the voter shall be permitted to cast an absentee ballot and the voter's  
19 absentee ballot shall be treated as a provisional ballot.

20 **(j) The county election board, by unanimous vote of the entire**  
21 **membership of the board, may adopt a resolution providing that**  
22 **absentee ballots be cast at satellite offices instead of in the office of**  
23 **the circuit court clerk (or board of elections and registration in a**  
24 **county subject to IC 3-6-5.2).**

25 SECTION 27. IC 3-11-15-43 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The audit record  
27 provisions in this chapter are essential to the complete recording of  
28 election operations and reporting of the vote tally. This list of audit  
29 records must reflect all of the idiosyncrasies of a system.

30 (b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the**  
31 **following:**

32 (1) Produce a permanent paper record with a manual audit capacity  
33 for the system. ~~and~~

34 **(2) Permit the voter to examine the paper record of the voter's**  
35 **vote to verify the voter's votes. This subdivision applies only to**  
36 **a voting system purchased, leased, or lease purchased after**  
37 **April 30, 2007.**

38 ~~(2)~~ (3) Provide the voter with an opportunity to change the ballot  
39 or correct any error before the permanent paper record is produced.

40 (c) The paper record produced under subsection (b) ~~must be made~~  
41 ~~available as is~~ an official record for a recount or contest conducted with  
42 respect to any election in which the voting system was used.

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**(d) A voter may not keep the paper record the voter has examined under subsection (b)(3).**

SECTION 28. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11; if the voter registered under that section);~~ and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 29. IC 3-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 1.5. Auditing Election Results**

**Sec. 1. This chapter applies to an election in which ballots are counted other than by hand.**

**Sec. 2. As used in this chapter, "appropriate statistical sample"**

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refers to a sample of ballots or precincts randomly chosen to produce a statistically significant result.

**Sec. 3. (a) After each general election, the commission shall conduct an audit of the election.**

**(b) An audit conducted under this section must do the following:**

**(1) Hand count an appropriate statistical sample of the ballots cast on ballot cards from the following in each county:**

**(A) If the year is a year in which an election for electors of President and Vice President of the United States is conducted, that election.**

**(B) At least one (1) election for a state office.**

**(2) Audit the performance of an appropriate statistical sample of the results from electronic voting systems.**

**(c) A sample shall be chosen of each of the following for each county:**

**(1) All precincts within the county.**

**(2) All absentee ballots.**

**(3) All ballots cast at a vote center under IC 3-11-18.**

**Sec. 4. (a) The commission shall take any action:**

**(1) required by this chapter; and**

**(2) requiring statistical or sampling knowledge only after consultation with a panel designated under subsection (b).**

**(b) Each commission member may designate an individual who has a doctoral degree in statistics, or the equivalent of such a degree, to serve on a statistical advisory panel to assist the commission with decisions and analysis of data requiring knowledge of statistics.**

**Sec. 5. Upon completion of an audit required by this chapter, the commission shall issue an audit report that contains the commission's findings, including findings on the reliability of voting systems used in the election.**

**SECTION 30. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee may use ~~any~~ **either** of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:**

**(1) Hand delivery to the county voter registration office.**

**(2) ~~Certified First class United States mail. return receipt requested.~~**

**SECTION 31. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each**

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1 search of the records in the division of vital records. If the requested  
 2 record is found, one (1) certification of the record will be issued  
 3 without charge. Additional certifications of the same record will be  
 4 issued at that time for an additional fee of four dollars (\$4) for each  
 5 record.

6 (b) The state department shall charge and collect an additional fee of  
 7 eight dollars (\$8) for any amendment to a record previously filed with  
 8 the division of vital records.

9 (c) Verification without charge will be issued to an agency of local,  
 10 state, or federal government upon written request by the agency.

11 **(d) Verification and issuance of a certification or amendment of**  
 12 **a record under this section must be issued without the payment of**  
 13 **a fee or charge to an individual who:**

14 **(1) does not have a valid Indiana driver's license; and**

15 **(2) will be at least eighteen (18) years of age at the next general,**  
 16 **municipal, or special election.**

17 SECTION 32. IC 16-37-1-11.5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. **(a)** In addition to  
 19 the fee charged by the state department under section 11 of this chapter  
 20 for a search of the records in the division of vital records, the state  
 21 department shall charge a birth problems registry fee of two dollars  
 22 (\$2) for each search of the records for a birth certificate. The fees  
 23 collected under this section shall be deposited in the birth problems  
 24 registry fund established by IC 16-38-4-17.

25 **(b) Verification must be issued without the payment of a birth**  
 26 **problems registry fee under this section to an individual who:**

27 **(1) does not have a valid Indiana driver's license; and**

28 **(2) will be at least eighteen (18) years of age at the next general,**  
 29 **municipal, or special election.**

30 SECTION 33. IC 3-7-36-11 IS REPEALED [EFFECTIVE UPON  
 31 PASSAGE].

32 SECTION 34. [EFFECTIVE JULY 1, 2007] **(a) As used in this**  
 33 **SECTION, "committee" refers to the census data advisory**  
 34 **committee established by IC 2-5-19-2.**

35 **(b) The committee shall do the following:**

36 **(1) Study all issues relating to the possibility of changing the**  
 37 **current voting systems by conducting all elections by mail-in**  
 38 **ballots.**

39 **(2) Assess the results of permitting voters to cast absentee**  
 40 **ballots without requiring voters to state a reason for casting**  
 41 **absentee ballots.**

42 **(3) Make any recommendations regarding the issues described**

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1           in subdivision (1) and the assessment required by subdivision  
2           (2).  
3           (c) This SECTION expires January 1, 2008.  
4           SECTION 35. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 293 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 4 through 20.

Page 7, delete lines 32 through 42.

Delete page 8.

Page 9, delete lines 1 through 25.

Page 9, delete lines 37 through 42.

Page 10, delete lines 1 through 5.

Page 13, delete lines 1 through 15.

Page 13, line 21, reset in roman "error".

Page 13, line 22, delete "voter registration".

Page 13, delete lines 26 through 35.

Page 13, line 38, reset in roman "error".

Page 13, line 38, delete "voter registration".

Page 14, delete lines 2 through 16.

Page 15, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 21. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

**(1) by mail;**

**(2) before an absentee voter board as ~~otherwise~~ provided in this article; a voter voting by absentee ballot must vote**

**(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or**

ES 293—LS 6452/DI 75+



(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 22. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

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(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

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whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 23. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of ~~the~~ a voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall

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prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:
  - (A) on the day of the receipt of the voter's application; or
  - (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots."

Delete page 16.

Page 17, delete lines 1 through 17.

Page 18, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 25. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

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- (A) a precinct election officer under IC 3-6-6;
- (B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;
- (C) a challenger or pollbook holder under IC 3-6-7; or
- (D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
  - (A) deposit the sealed envelope in the United States mail; or
  - (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact

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delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
  - (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
  - (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
  - (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
  - (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.
  - (6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.
  - (7) A statement setting forth the penalties for perjury.
- (e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.
- (f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

- (1) section 1.5 of this chapter; or
- (2) section 33 of this chapter.

SECTION 26. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
  - (2) at a satellite office established under section 26.3 of this chapter.
- (b) The voter must:
- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

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(2) provide proof of identification;  
before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast

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and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

**(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).**

SECTION 27. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the following:**

- (1) Produce a permanent paper record with a manual audit capacity for the system. ~~and~~

**(2) Permit the voter to examine the paper record of the voter's vote to verify the voter's votes. This subdivision applies only to a voting system purchased, leased, or lease purchased after April 30, 2007.**

- ~~(2)~~ **(3) Provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.**

(c) The paper record produced under subsection (b) ~~must be made available as is~~ an official record for a recount or contest conducted with respect to any election in which the voting system was used.

**(d) A voter may not keep the paper record the voter has examined under subsection (b)(3)."**

Page 18, line 16, reset in roman "error".

Page 18, line 17, delete "voter registration"

Page 18, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 29. IC 3-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 1.5. Auditing Election Results**

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**Sec. 1. This chapter applies to an election in which ballots are counted other than by hand.**

**Sec. 2. As used in this chapter, "appropriate statistical sample" refers to a sample of ballots or precincts randomly chosen to produce a statistically significant result.**

**Sec. 3. (a) After each general election, the commission shall conduct an audit of the election.**

**(b) An audit conducted under this section must do the following:**

**(1) Hand count an appropriate statistical sample of the ballots cast on ballot cards from the following in each county:**

**(A) If the year is a year in which an election for electors of President and Vice President of the United States is conducted, that election.**

**(B) At least one (1) election for a state office.**

**(2) Audit the performance of an appropriate statistical sample of the results from electronic voting systems.**

**(c) A sample shall be chosen of each of the following for each county:**

**(1) All precincts within the county.**

**(2) All absentee ballots.**

**(3) All ballots cast at a vote center under IC 3-11-18.**

**Sec. 4. (a) The commission shall take any action:**

**(1) required by this chapter; and**

**(2) requiring statistical or sampling knowledge only after consultation with a panel designated under subsection (b).**

**(b) Each commission member may designate an individual who has a doctoral degree in statistics, or the equivalent of such a degree, to serve on a statistical advisory panel to assist the commission with decisions and analysis of data requiring knowledge of statistics.**

**Sec. 5. Upon completion of an audit required by this chapter, the commission shall issue an audit report that contains the commission's findings, including findings on the reliability of voting systems used in the election.**

SECTION 30. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee may use ~~any~~ **either** of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

**(1) Hand delivery to the county voter registration office.**

**(2) ~~Certified First class United States mail. return receipt requested.~~**

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Page 19, delete lines 1 through 24.

Page 20, delete lines 15 through 16, begin a new paragraph and insert:

"SECTION 33. IC 3-7-36-11 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 34. [EFFECTIVE JULY 1, 2007] (a) **As used in this SECTION, "committee" refers to the census data advisory committee established by IC 2-5-19-2.**

(b) **The committee shall do the following:**

(1) **Study all issues relating to the possibility of changing the current voting systems by conducting all elections by mail-in ballots.**

(2) **Assess the results of permitting voters to cast absentee ballots without requiring voters to state a reason for casting absentee ballots.**

(3) **Make any recommendations regarding the issues described in subdivision (1) and the assessment required by subdivision (2).**

(c) **This SECTION expires January 1, 2008."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 293 as printed February 9, 2007.)

PIERCE, Chair

Committee Vote: yeas 9, nays 2.

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